

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID DAVIDOW and SHERYL DE
MERS, domestic partners,

Plaintiffs,

v.

ZALNATRAV, INC., a Washington
corporation; RAVENARK, a Washington
sole proprietorship; TRAVIS B. BRANDT
and JANE DOE BRANDT, husband and
wife, and the marital community
composed thereof,

Defendants.

Civil Action No. 2:22-cv-01594-RAJ

ORDER

THIS MATTER comes before the Court on Defendant Travis Brandt's request to pursue his appeal *in forma pauperis*. Dkt. # 179. Having reviewed the pleadings, the record, and relevant law, the Court **DENIES** Defendant's motion.

On January 24, 2024, this Court entered an order granting Plaintiffs' motion for

1 partial summary judgment (Dkt. # 123) and denying Defendant Brandt's motion for
2 summary judgment dismissal of Plaintiffs' claims (Dkt. # 130), motion to compel
3 attendance at settlement hearing (Dkt. # 131), motion regarding attorney's fees of \$1,712
4 (Dkt. # 147), and motion regarding 17% interest (Dkt. # 148). Dkt. # 159. On February 6,
5 2024, all parties appeared for a telephonic conference and stipulated to the dismissal of
6 the remaining civil RICO claim with prejudice. Dkt. # 168. This Court then entered an
7 order memorializing the parties' stipulation, dismissed Plaintiffs' RICO claim with
8 prejudice, and vacated the parties' trial date, thereby resolving the entirety of the parties'
9 claims. Dkt. # 169. On February 15, 2024, this Court denied Defendant Brandt's motions
10 seeking reconsideration of the summary judgment order and the order dismissing
11 Plaintiffs' RICO claim with prejudice. Dkt. # 172. On February 28, 2024, Defendant
12 Brandt filed a Notice of Appeal to the Ninth Circuit, Dkt. # 177, and then filed the instant
13 motion for leave to proceed *in forma pauperis*.

14 An indigent party who cannot afford the expense of pursuing an appeal may file a
15 motion to proceed *in forma pauperis* in the district court. Fed. R. App. P. 24(a)(1).
16 Federal rules require the litigant to submit an affidavit that: shows in detail the party's
17 inability to pay or to give security for fees and costs, claims an entitlement to redress, and
18 states the issues that the party intends to present on appeal. *Id.* Here, Defendant Brandt
19 failed to submit an affidavit in support of his request, but asks that this Court accept his
20 motion as "an equivalent financial declaration" to Form 4 in the Appendix of Forms Dkt.
21 # 179 at 2.

22 Defendant Brandt's motion states that in a February 2023 order, this Court noted
23 that Defendant Brandt was unrepresented and did not have the funds to hire counsel for
24 himself or his company Zalnatrav. *Id.* Defendant then discusses various financial
25 transactions from 2021 and 2022 that were at issue in the underlying suit between
26 Defendant Brandt and Plaintiffs Davidow and DeMers. He argues that the financial

1 transactions show that he made little money from his contract with Plaintiffs. Although
2 Defendant Brandt provides no information as to his current income, he states that he is
3 unemployed.

4 The Court does not find Defendant Brandt's declaration illuminating as to his
5 current financial status. Instead of providing evidence of his current income and
6 expenses, Defendant Brandt instead contests this Court's prior orders, seemingly to argue
7 that "simple math" would have shown that this Court's adverse rulings against him were
8 in error. *See, generally*, Dkt. # 179. Defendant Brandt has thus failed to show his inability
9 to pay fees or costs "in detail" or to explain the issues he intends to present on appeal, as
10 required by the federal rules. Fed. R. App. P. 24(a)(1)(C). Therefore, Defendant's motion
11 to proceed *in forma pauperis* is **DENIED**.

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13 DATED this 3rd day of May, 2024.

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16 The Honorable Richard A. Jones
17 United States District Judge
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